

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars.

1. In the claims

As shown in the foregoing AMENDMENT TO THE CLAIMS, the claims have been amended to more clearly point out the subject matter for which protection is sought.

A. Claim amendments

Claim 1 is amended to clarify that the joiner is adjustably inserted through one of the second holes of the sub panel, which is the same sub panel as recited early in the claim. It is respectfully submitted that no new matter is added as the amendment merely clarifies the recited elements, and is a reversion to the wording of claim 1 as originally filed.

Claims 3 and 4 are amended to clarify that the length of the main panel is adjusted by cutting the upper part or lower part of the main panel along respective score lines, which are the same score lines as recited earlier in the claims. It is respectfully submitted that no new matter is added as the amendment merely clarifies the recited elements.

Claim 2 is left unchanged.

Entry of the AMENDMENT TO THE CLAIMS is respectfully requested in the next Office communication.

B. Rejection of claims 1-4 under 35 U.S.C. § 112 second paragraph

Reconsideration and withdrawal of this rejection is respectfully requested, in view of the amendments to claims 1, 3, and 4, on the basis that the claims as amended are clear and definite.

Claim 1 now recites that the joiner is adjustably inserted through one of the second holes of the sub panel, which is the same sub panel as recited early in the claim. Thus, claim 1 as amended is clear and definite.

Claims 3 and 4 now recite that the length of the main panel is adjusted by cutting the upper part or lower part of the main panel along respective score lines, which are the same score lines as recited earlier in the claims. Thus, claims 3 and 4 as amended are clear and definite.

Accordingly, withdrawal of this rejection is respectfully requested.

2. Rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent no. 6,536,162 (*LaMay*)

Reconsideration of this rejection is respectfully requested, on the basis that the *LaMay* patent fails to disclose each and every limitation of claim 1.

The *LaMay* patent fails to disclose or suggest a decoration panel having a length that is adjustable by selective insertion of at least one joiner through one of the second holes into a corresponding first hole of the main panel.

The *LaMay* patent discloses a mounting mechanism for mounting rotatable louvers within a decorative shutter. The shutter is defined by a frame 35 having a pair of vertical stiles 31, 32 and a pair of horizontal rails 33, 34 (col. 3, lines 54-57). The frame is held together in a tongue-in-groove construction by a combination of adhesives and fasteners (col. 3, lines 57-59). The stiles 31, 32 form the right and left sides of the shutter frame 35, and the length of the stiles defines the overall length of the shutter frame 35 (col. 3, line 66 through col. 4, line 1). Therefore, the length of the shutter frame 35 is inherently fixed by the length of the vertical stiles.

This fixed length construction of a decoration panel is in direct contrast to the embodiment of claim 1, which requires a decoration panel having a length that is adjustable by selective insertion of at least one joiner through one of the second holes into a corresponding first hole of the main panel.

The rejection appears to rely on the louver mechanism 40 of the *LaMay* patent as describing adjusting the length of the decoration panel. This simply is not the function of the louver mechanism 40. Instead, the louver mechanism 40 is designed such that rotation of one louver 37 causes all other louvers 37 to coincidentally rotate (col. 3, lines 32-35). While it is true that the louvers 37 may rotate, their rotation has no effect on the overall length of the frame 35 of the decoration panel. Thus, the *LaMay* patent simply fails to disclose a decoration panel having a length that is adjustable by selective insertion of at least one joiner through one of the second holes into a corresponding first hole of the main panel.

The *LaMay* patent also fails to disclose or suggest at least one sub panel provided on the upper and lower ends of the main panel and having a plurality of second holes on a rear of the front cover.

While the *LaMay* patent does disclose horizontal rails 33, 34 at the upper and lower ends of the frame 35, these horizontal rails 33, 34 do not include a plurality of second holes on a rear of the front cover.

Again, the rejection appears to rely on the louver mechanism 40, and more specifically the cover plate 48, of the *LaMay* patent to disclose sub panels at the upper and lower ends of the main panel. There are at least two reasons why such an interpretation must fail to anticipate every feature of claim 1.

First, the cover plate 48, as part of the louver mechanism 40, is located along a channel 47 that is cored into the stile 31 from an inner edge (col. 4, lines 24-34). Accordingly, the cover plate 48 is located along the inner edge of the stile, and not on the upper and lower ends of the main panel, as required by claim 1.

Second, the holes/mounting apertures 45, that the rejection appears to rely upon to show a plurality of holes on a rear of the front cover, extend all the way through the cover plate 48 (col. 4, lines 34-35). Therefore, the holes 45 are not located on the rear of a front cover, as required by claim 1, but instead pass all the way through the cover plate 48.

Accordingly, since the *LaMay* patent fails to disclose or suggest a decoration panel having a length that is adjustable by selective insertion of at least one joiner through one of the second holes into a corresponding first hole of the main panel and at least one sub panel provided on the upper and lower ends of the main panel and having a plurality of second holes on a rear of the front cover, as required by claim 1, withdrawal of this rejection is respectfully requested.

3. Rejection of claim 3 under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 6,536,162 (*LaMay*)

Reconsideration of this rejection is respectfully requested on the basis that the rejection fails to establish a *prima facie* case of obviousness with respect to claim 3.

The *LaMay* patent fails to disclose a decoration panel having adjustable length, as discussed above with respect to claim 1. Accordingly, the *LaMay* patent fails to disclose any structure related to adjusting the length of the shutter.

Therefore, a skilled artisan would not have been motivated to provide adjustable length to the shutter of the *LaMay* patent, absent the improper hindsight use of the applicant's own disclosure.

Further, since there is no suggestion to provide an adjustable length decoration panel, there is certainly no teaching, absent the improper hindsight use of the applicant's own disclosure, that would have motivated a skilled artisan to implement score lines in order to adjust the length of the shutter of the *LaMay* patent.

Further, even if score lines were added to the frame of the shutter of the *LaMay* patent, due to the integrated construction of the stiles and rails, such score lines would not allow the length of the shutter of the *LaMay* patent to be adjusted in any functional manner.

Accordingly, since the *LaMay* patent fails to disclose every limitation of claim 3, and there is no suggestion that would have motivated a skilled artisan to successfully add score lines to the shutter of the *LaMay* patent, as required by claim 3, withdrawal of this rejection is respectfully requested.

4. Allowable subject matter

The applicant gratefully acknowledges the indication of allowable subject matter in claims 2 and 4.

5. Conclusion

As a result of the amendment to the claims, and further in view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that every pending claim in the present application be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicant's attorney, the examiner is invited to contact the undersigned at the numbers shown below.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Justin J. Cassell', written in a cursive style.

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